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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 6395 of 2007

PETITIONERS

1. Smt. Shobha Verma W/o Awdhesh Kumar, aged about 54 years, Assistant Teacher, Govt. Girls Primary School – Manipur, Block – Ambikapur, Distt. – Surguja (C.G.)
2. Sachida Nand Pandey, S/o. Shri Dudheswar Pandey, aged about 50 years, Assistant Teacher, Govt. Primary School – Junapara, Block – Ambikapur, Distt. – Surguja (C.G.)
3. Awdhesh Kumar Sahu, S/o. Shri Mahavir Prasad Sahu, aged about 45 years, Assistant Teacher, Govt. Primary School – Kerakchhar, Block – Ambikapur, Distt.- Surguja (C.G.)
4. Subhash Prasad Sahu, S/o. Late Gulab Chandra Sahu, aged about 44 years, Assistant Teacher, Govt. Boys Primary School – Jhumarpara, Block – Ambikapur, Distt. – Surguja (C.G.)
5. Hem Kumar Kushwaha, S/o. Shri Jawahar Ram, aged about 45 years, Assistant Teacher, Govt. Middle School, Karji Kanya, Block – Ambikapur, Distt.- Surguja (C.G.)
6. Ram Pyare Lal Yadav, S/o. Late Gulabmani Yadav, aged about 49 years, Assistant Teacher Govt. Primary School Singchora, Block- Rajpur, Distt. Surguja (C.G.)
7. Sunil Dubey, S/o. Shri Shiv Dayal Dubey, aged about 44 years, Assistant Teacher, Govt. Primary School – Gopalpur, Block – Rajpur, Distt.- Surguja (C.G.)
8. Smt. Chandrakala Singh, W/o. Shri Vishnu Dev Singh, aged about 47 years, Assistant Teacher, Govt. Boys Primary School – Manipur, Block – Ambikapur, Distt. – Surguja (C.G.)
9. Smt. Manju Lata Singh, W/o. Shri Rajpal Singh, aged about 44 years, Assistant Teacher, Govt. Girls Primary School – Chopdapara, Block – Ambikapur, Distt. – Surguja (C.G.)
10. Anil Kumar Tripathi, S/o. Shri Sudhakar Tripathi, aged about 49 years, Assistant Teacher, Govt. Primary School – Mathu Para, Block – Ambikapur, Distt. – Surguja (C.G.)
11. Krishna Pal Kushwaha, S/o. Shri Govind Ram, aged about 46 years, Assistant Teacher, Govt. Middle School – Sohga, Block – Ambikapur, Distt.- Surguja (C.G.)

12 Indeshwar Prasad Suryavanshi, S/o. Shri Purusottam Ram, aged about 47 years Assistant Teacher, Govt. Primary School – Bakalo, Block – Ambikapur, Distt. – Surguja (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through – The Secretary Department of Education D.K.S. Bhawan, Raipur (C.G.)
2. Director Public Instruction Chhattisgarh Govt. Raipur
3. District Education Officer, Distt. – Surguja (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

Appearance:

Shri Anil Singh Rajput, counsel for the petitioners.

Ms. Sunita Jain, Panel Lawyer for the State.

ORAL ORDER
(23.10.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu & others Vs. State Govt. of Chhattisgarh & another {W.P.(S) No. 813 of 2007} by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (Supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

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